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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) CE11066JI121 |
| I hereby certify that this correspondence is being electronically transmitted on the date listed below [(37 CFR 1.8(a)). on: <u>June 22, 2007</u> Signature <u>/Larry G. Brown/</u> <u>Larry G. Brown</u> Typed or printed name | Application Number 10/721,444 First Named Inventor Floyd D. Simpson Art Unit 2617 | Filed November 25, 2003 Examiner Lam, Dung Le |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> applicant inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registraton number <u>45,834</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____ </div> <div style="width: 45%;"> <u>/Larry G. Brown/</u> Signature <u>Larry G. Brown</u> Typed or printed name <u>(954) 723-6449</u> Telephone number <u>June 22, 2007</u> Date </div> </div> <p style="margin-top: 20px;">NOTE: Signatures of all the inventors or assignees or record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, se below*</p> | | |
| <input type="checkbox"/> *Total of <u>1</u> forms are submitted. | | |

(SB/33 (07-05))

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Floyd D. Simpson GROUP ART UNIT: 2617
 APPLN. NO.: 10/721,444 EXAMINER: Lam, Dung
 FILED: November 25, 2003 Confirmation No. 7126
 TITLE: RECEPTION TIMING METHOD AND APPARATUS

| CERTIFICATE UNDER 37 CFR 1.8(a) | |
|---------------------------------------------------------------------------------------------------------|------------------|
| I hereby certify that this correspondence is being electronically transmitted on the date listed below: | |
| Date: | June 22, 2007 |
| Signature | /Larry G. Brown/ |
| Typed or printed name: | Larry G. Brown |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: **AF**
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants request review of the Non-Final Office Action mailed January 26, 2007 concerning the above-identified application in furtherance of the Notice of Appeal filed on June 21, 2007. Concurrently with this submission, Applicants are paying the requisite fee for a two month Extension of Time.

Claims 1-22 and 24-25, which have been rejected at least twice, remain pending in the application, a copy of which can be found in Applicants' Amendment of October 5, 2006. Claims 1-5, 8-10 and 16-21 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0190467 to Liu, et al. (Liu). In addition, claims 22, 24 and 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,192,230 to van Bokhorst, et al. (van Bokhorst) in

view of Liu. Finally, claims 6, 7, 11-3 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of U.S. Patent Application Publication No. 2004/0013135 to Haddad (Haddad).

Independent Claims 1, 8 and 16

Independent claim 1 recites a method for use by a subscriber unit in which a beacon transmission is received from the access point that includes information that corresponds to times when other subscriber units are proposing to utilize the shared wireless communication resource. Moreover, claim 1 recites the feature that the information is used to select a particular time to receive data from the access point. Similarly, independent claim 8 recites a method for use by a WLAN access point in which transmissions are received from subscriber units, and the transmissions include information that identifies proposed times when each of the subscriber units proposes to use a shared wireless communication resource. Independent claim 16 includes the limitation that the subscriber units transmit proposed transmission times to the access point and that the access point uses the proposed times to form a messages that the access point transmits to the subscriber units.

In contrast, the access point in Liu sets the schedule that is included in the schedule information vector (SIV) frame (see Abstract, lines 7-9: “The access point originates and transmits the SIV frame protocol of the scheduled wake-up time for the identified station; see also paragraph 0083, lines 1-2: “Following the beacon frame, the AP will schedule the power saving traffic . . .”; see also paragraph 0094, lines 5-7: “To be more specific, the AP will ignore the pre-schedule and perform scheduling appropriate to the new situation”). Liu never mentions anything about the subscriber units transmitting proposed scheduling times to the access point.

On pages 2 and 3 the Non-final Office Action of January 26, 2007, the Examiner contends that “[t]he AP uses CC/RR protocols to poll and collect utilization times from subscribers in order to construct a SIV . . . to be sent to the subscribers” and that “[s]ince the SIV is constructed based on polling and interactions with the subscribers, it broadly reads on as ‘utilization times proposed by the other subscribers’” (citations omitted). Applicants respectfully disagree. Although the presence of uplink power saving data at a subscriber unit may be collected at the access point via the CC/RR protocol in Liu (see paragraph 0082), the mere signaling of the existence of such data by the subscriber unit to the access point is not equivalent to proposing a specific time to the access point for transmission. In accordance with the presently claimed subject matter, the subscriber units actually advise the access point when a transmission time will occur, which directly contradicts the procedure in Liu.

Applicants also note that the subscriber units in Liu do not select a particular time for the receipt of data from the access point. Liu merely describes the subscriber units determining whether to enter a sleep mode or to continue listening based on the schedule provided by the access point (see paragraph 0084). That is, the subscriber unit in Liu does not determine when it will actually receive data from the access point, as that determination is clearly left to the access point.

Independent Claim 22

Independent claim 22 recites the feature of a memory that stores a scheduled time at which a controller will cause a transceiver to receive data as transmitted by an access point. Claim 22 also includes the limitation that the memory stores a plurality of proposed times received from the access point at which other subscriber units have proposed to utilize a shared wireless communication resource.

On page 7 of the Non-final Office Action of January 26, 2007, the Examiner argues that the memory of van Bokhorst stores a second scheduled time at which the controller will cause the transceiver to receive data as transmitted by a master unit. Applicants note that van Bokhorst describes the transmission of data from one non-master unit to another non-master unit, as the master unit simply transmits synchronization messages (see col. 7, lines 57-66). Moreover, the time that the receiving unit in van Bokhorst is to receive data is not a scheduled time, as the receiving unit merely stays awake once it receives the peer-level traffic indicator message (PTIM) and until the transmission is complete (see col. 9, lines 11-18). Applicants also repeat the arguments presented with respect to claims 1, 8 and 16 in that the subscriber units in Liu do not propose times to utilize the shared wireless communication resource.

Conclusion

In view of the above, Applicants contend that the claims are patentable over the cited prior art references. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

Date: June 22, 2007

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